

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE  
HONORABLE JOSEPH H. RODRIGUEZ

JUN 27 1997

GAF CORPORATION, a Delaware  
corporation,

Plaintiff,

v.

Civil No. 95-1150

HARTFORD ACCIDENT AND  
INDEMNITY COMPANY, a  
Connecticut corporation,  
et al.,

Defendants.

CASE MANAGEMENT ORDER NUMBER 3

FOR THE REASONS set forth on the record on June 24,  
1997; and for good cause shown herein;

IT IS this 27<sup>th</sup> day of June, 1997 hereby

ORDERED that CASE MANAGEMENT ORDER NUMBER 2 is amended  
as follows:

1. Subject Matter Jurisdiction: Pursuant to Fed. R. Civ.  
P. 12(h)(3), any interested party shall brief the issue  
of whether the complaint should be dismissed for lack  
of subject matter jurisdiction on or before July 15,  
1997; all briefs in response are due July 29, 1997;  
unless otherwise notified by the court, the matter will  
be heard on the papers;
2. Rule 26 Discovery: Plaintiff shall renew its Rule  
26(a)(1) efforts and submit the addresses, specific  
areas of knowledge and any relevant documents  
concerning the previously named witnesses; plaintiff

shall comply on or before July 24, 1997; Defendants Century Indemnity, Certain Underwriters at Lloyd's, Aetna Casualty And Property Company shall submit more specific information regarding areas of knowledge of their witnesses on or before July 24, 1997;

3. Joint Production Request: Defendants shall submit a Joint Production Request to the brokers on or before July 7, 1997;
4. Policy #020138500: On or before July 24, 1997, Plaintiff shall inform defendant London Market Insurers whether it will dismiss policy number 020138500 from the action;
5. Privilege Log: Plaintiff shall submit a privilege log to Defendants on or before July 24, 1997; the log shall comport with Fed. R. Civ. P. 26(b)(5) and L.Cv. 33.1(c).
6. Eight Selected Sites:  
*Interrogatories and Requests for Admissions.* Pursuant to Fed. R. Civ. P. 33, each Defendant will propound on Plaintiff a set of interrogatories and a request for admissions. Defendants will endeavor to propound one joint set of interrogatories and requests for all common issues. Pursuant to Fed. R. Civ. P. 33, Plaintiff will propound interrogatories and requests for admission upon each defendant.  
Unless otherwise agreed to in writing, objections and responses to interrogatories and requests for

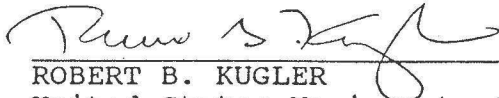
admissions shall be served within 30 days of the date of service of the interrogatories or requests for admissions.

*Depositions.* All depositions will be conducted in accordance with the Fed. R. Civ. P. 26 to 37. Once a party has been noticed for deposition, the deposition shall proceed unless the witness or the interrogator is unable to attend. Depositions shall not be rescheduled because counsel are unable to attend. Defendants shall endeavor to designate one individual as the lead questioner at any deposition noticed by any defendant to avoid duplicative questions. If a party directs a witness not to answer a question, it must cite a cognizable privilege. Upon a party citing a privilege, the deposition participants shall immediately contact the undersigned by telephone to settle the issue. If the parties are unable to contact the undersigned, the deposition shall proceed, and the parties shall continue to try to contact the undersigned.

*Factual Discovery.* Factual discovery on the eight sites shall begin immediately and conclude on July 1, 1998.

7. Status Conference: The parties shall appear before the undersigned on Wednesday, September 3, 1997 at 2:00 P.M. at the Mitchell H. Cohen United States Courthouse in Camden, New Jersey for a Status Conference;

8. Previous Orders: Except as provided herein, all provisions of the previous Case Management Orders remain in effect.

  
ROBERT B. KUGLER  
United States Magistrate Judge